

JUL 30 2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

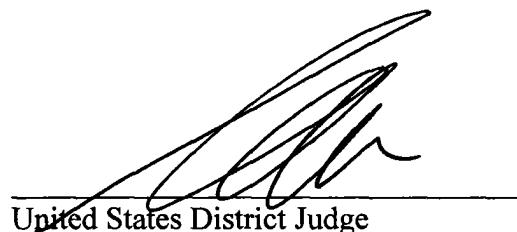
SPENCER L. STACEY, Petitioner,)	Civil Action No. 7:09-cv-00317
v.)	<u>FINAL ORDER</u>
GENE JOHNSON, et al., Respondents.)	By: Samuel G. Wilson United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Stacey's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED**; his "motion for excusable neglect" is **DENIED**; and this action shall be **STRICKEN** from the active docket of the court.

Stacey is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send a certified copy of this Memorandum Opinion and accompanying Order to the petitioner.

ENTER: This 30th day of July, 2009.



United States District Judge